

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

GORDON FRANKLIN, JR.,

Plaintiff,

v.

JOSEPH E. GUNJA, Warden,
United States Medical Center for
Federal Prisoners, et al.,

Defendant.

No. 05-3423-CV-S-DW

ORDER

Before the Court is Magistrate Judge James C. England's Report and Recommendation dismissing Plaintiff's complaint without prejudice and ordering that the Assistant Federal Public Defender's Motion to Withdraw be granted. Defendant did not file objections to the Report and Recommendation. After an independent review of the record, applicable law and the parties' arguments, the Court adopts the Magistrate's findings of fact and conclusions of law. Accordingly, the Court orders that the Magistrate's Report and Recommendation be attached to and made part of this Order, and DISMISSES WITHOUT PREJUDICE Plaintiff's Complaint and GRANTS the Motion to Withdraw.

IT IS SO ORDERED.

Date: September 21, 2006

/s/ DEAN WHIPPLE
Dean Whipple
United States District Court